

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DR. GERALD FINKEL, as Chairman of the Joint
Industry Board of the Electrical Industry, :
Plaintiff, :
-against- :
ALL PRO ELECTRIC OF NY II, INC., :
Defendant. :

x

MEMORANDUM & ORDER

11-CV-4368 (ENV) (CLP)

VITALIANO, D.J.

Plaintiff Gerald Finkel brought this action against defendant All Pro Electric of NY II, Inc. ("All Pro") to recover delinquent benefit contributions, interest, liquidated damages, and attorneys' fees. Plaintiff moved for default judgment, and in an order dated February 13, 2012, the Court referred the motion to Magistrate Judge Cheryl M. Pollak. Judge Pollak's Report and Recommendation (the "R&R") issued on July 9, 2012 with objections due by July 26, 2012.

In reviewing a report and recommendation of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Further, a district judge is required to "determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the "district court need only satisfy itself that there is no clear error on the face of the record" to accept a magistrate judge's report and recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

No objections have been filed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Judgment shall enter in favor of plaintiff and against All Pro as follows: \$40,700.88 for contributions due; \$1090.42 for interest owed on unpaid contributions through July 9, 2012 and at a rate of \$3.98 per day thereafter until entry of judgment; \$292.35 for interest owed on late paid contributions; \$11,743.03 in liquidated damages; \$3,433.00 in attorneys' fees; and \$447.78 in costs, for a total judgment of \$57,677.27 plus \$3.98 per day from July 9, 2012 until entry of judgment.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
August 8, 2012

s/ ENV


ERIC N. VITALIANO
United States District Judge